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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,509	09/08/2000	Lorenzo H. Thomson	57012	3375

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EXAMINER

KIM, CHONG HWA

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,509

Applicant(s)

THOMSON ET AL.

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-14 and 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on Aug 20, 2004 has been entered.

Terminal Disclaimer

2. The terminal disclaimer filed on Aug 20, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of co-pending Patent Application Serial No. 09/658,389 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Objections

3. Claim 11 is objected to because of the following informalities: A claim should start with a capital letter and end with a period. Claim 11 ends with semi-colon and fails to recite fasteners limitation as recited in the previously presented claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 3, 4, and 6-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended independent claim 1 recites the newly included limitation wherein the second end of the body portion being open and defining a generally circular opening. Such structure is neither disclosed in the specification nor shown in the drawings as originally filed. The handlebar clamping portion is connected to the first end of the body portion which is shown in Fig. 19. However, the second end, that is the opposite end of the first end, neither has circular opening nor shows any opening on the second end being aligned with the opening in the cavity.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 4, 6-14, and 16-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The newly amended independent claims 1, 11, and 20 recite the newly included limitation wherein the cavity in the recess of the handlebar clamping member has "a lateral extent substantially the same as a diameter of the circular opening of the open end of said body portion". It is unclear which part of lateral extent is same as a diameter of the opening. Furthermore, it is unclear what it means by the word "same". Is it a same shape, or same circumference, or same depth, or same height, or same diameter?

Claims 1, 11, and 20 recite the limitation wherein the cavity is spaced from opposing portions of the handlebar. It is indefinite because the cavity is in the form of a space. And it is confusing how such space that contacts the handlebar is spaced from the handlebar. It appears that the outer most wall in the cavity is spaced from the handlebar, not the cavity.

Claims 11 and 20 further recite the limitations wherein a body portion has an opening at the open end and a cavity has an opening aligned with the opening at the open end. It is unclear because the limitations fail to clearly set forth the metes and bounds of the opening limitations. It appears that the opening 66 as shown in Fig. 19 is the same opening for the open end of the body portion 31 and for the opening formed in the cavity.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 20-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giard, U.S. Patent 6,058,800 in view of Jeshurun et al., U.S. Patent 5,165,301 and in view of Lai, U.S. Patent 5,509,328.

Giard shows, in Figs. 1-11, a bicycle stem for connecting a bicycle handlebar to a bicycle steering tube, the bicycle stem comprising;

a body portion 27 having a tubular shape with a hollow interior and having an open end defining a generally circular opening (as shown in Fig. 9 near the reference no. 43);

a handlebar clamping portion 43 having a first arcuate extent, the handlebar clamping portion being connected to the open end of the body portion 27;

a handlebar clamping member 44 having a second arcuate extent and cooperating with the handlebar clamping portion 43 to clamp the bicycle handlebar 23 therebetween;

the handlebar clamping member 44 and the handlebar clamping portion 43 each having a recess 47 in a respective medial portion thereof to accommodate an enlarged diameter portion of the handlebar 23;

at least one fastener 49 for securing the handlebar clamping member 44 to the handlebar clamping portion 43;

a steering tube clamping portion 33 connected to the second end of the body portion 27;

the handlebar clamping member 44 has a generally rectangular shape (see Fig. 6) with a recess 47 therein defining with the cavity a pair of spaced apart contact areas 45, 46 for contacting the handlebar 23;

wherein the handlebar clamping member 44 is removable from the handlebar clamping portion 43;

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wherein the handlebar clamping portion 43 has a recess 47 therein defining with the cavity a pair of spaced apart contact areas 45, 46 for contacting the handlebar 23;

wherein the steering tube clamping portion 33 has a tubular shape defining a steering tube receiving passageway 34 therethrough, and wherein the steering tube clamping portion 33 also has clamp receiving passageway 41 therein transverse to the steering tube receiving passageway 34 and in communication therewith (see Fig. 4);

wherein the handlebar clamping member 44 and the handlebar clamping portion 43 both have generally rectangular shapes overlying one another (see Figs. 2, 4, 6, 7); and

wherein the body portion 27, the handlebar clamping portion 43, and steering tube clamping portion 33 are integrally formed as a monolithic unit;

but fails to show the clamping member and the clamping portion each having a cavity; the steering tube clamp comprising a pair of clamp members aligned in side-by-side relation.

As to the matter of the clamping member and portion having a cavity, Jeshurun et al. shows, in Fig. 1, and teaches, in column 3, lines 10-26, that a bicycle clamping device comprises a recess for the handlebar 16, 18 and a cavity in a respective medial portion of the recess to accommodate an enlarged diameter portion 14 of the handlebar, the cavity in the recess of the handlebar clamping portion extending fully over a first arcuate extent and the cavity in the recess of the handlebar clamping member extending fully over a second arcuate extent.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamping device of the Giard with the recess and cavity formed clamping device as taught by Jeshurun et al. in order to provide a safer vehicle wherein the movement of the handlebar in axial direction is prevented.

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As to the matter of the steering tube clamp comprising a pair of clamp members aligned in side-by-side relation, Lai shows, in Figs. 6 and 8, a bicycle stem comprising a steering tube clamping portion 70 having a tubular shape 71 defining a steering tube receiving passageway therethrough, and wherein the steering tube clamping portion 70 has a clamp receiving passageway 74 therein transverse to the steering tube receiving passageway 71 and in communication therewith; and further comprising a steering tube clamp 81, 82 in the clamp receiving passageway 74 and comprising a pair of cooperating clamp members 81, 82 aligned in side-by-side relation and comprising respective portions defining a recess 87, 88 therein for the steering tube 6.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamping device of Giard with the pair clamp device of Lai in order to provide a tighter and more versatile clamping device so that the operation of the bicycle is not compromised.

As to the matter of the lateral extent of the cavity being substantially the same as the diameter of the circular opening of the open end of the body portion, such subject matter has not been given consideration since the limitation is indefinite as discussed above in paragraph 7.

10. Claims 11-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roddy, U.S. Patent 5,881,606 in view of Jeshurun et al., in view of Giard, and in view of Lai.

Roddy shows, in Figs. 1-3, a bicycle stem for connecting a bicycle handlebar to a bicycle steering tube, the bicycle stem comprising;

a body portion 10 having opposing first 13 and second 14 ends;

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a handlebar clamping portion 13 connected to the first end of the body portion 10;

a handlebar clamping member 23 cooperating with the handlebar clamping portion 13 to clamp the bicycle handlebar 11 therebetween;

the handlebar clamping member 23 and the handlebar clamping portion 13 each having a recess 22 in a respective medial portion thereof to accommodate an enlarged diameter portion of the handlebar 11;

at least one fastener 32 for securing the handlebar clamping member 23 to the handlebar clamping portion 13;

a steering tube clamping portion 14 connected to the second end of the body portion 10;

the handlebar clamping member 23 has a generally rectangular shape with the recess 22 therein defining with the recess a pair of spaced apart contact areas 24, 31 for contacting the handlebar 11;

wherein the handlebar clamping member 23 is removable from the handlebar clamping portion 13;

wherein the handlebar clamping portion 13 has a recess 22 therein defining with the recess a pair of spaced apart contact areas 24, 31 for contacting the handlebar 11;

wherein the handlebar clamping member 23 and the handlebar clamping portion 13 both have generally rectangular shapes overlying one another;

wherein the at least one fastener 32 comprises respective fasteners (see Fig. 1) securing corners of the handlebar clamping member 23 and the handlebar clamping portion 13 together;

wherein the body portion 10, handlebar clamping portion 13 and the steering tube clamping portion 14 are integrally formed as a monolithic unit; and

wherein the steering tube clamping portion 17, 18 has a tubular shape defining a steering tube receiving passageway therethrough, and wherein the steering tube clamping portion 17, 18 also has clamp receiving passageway (for clamp 21) therein transverse to the steering tube receiving passageway and in communication therewith (see Fig. 4);

but fails to show the clamping member and portion having cavity; the body portion having a tubular shape with a hollow interior and a circular opening that aligns with an opening in the cavity of the handlebar clamping portion; and the steering tube clamp comprising a pair of clamp members aligned in side-by-side relation.

As to the matter of the clamping member and portion having recess, Jeshurun et al. shows, in Fig. 1, and teaches, in column 3, lines 10-26, that a bicycle clamping device comprises a recess for the handlebar 16, 18 and a cavity in a respective medial portion of the recess to accommodate an enlarged diameter portion 14 of the handlebar, the cavity in the recess of the handlebar clamping portion extending fully over a first arcuate extent and the cavity in the recess of the handlebar clamping member extending fully over a second arcuate extent.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamping device of the Roddy with the recess and cavity formed clamping device as taught by Jeshurun et al. in order to provide a safer vehicle wherein the movement of the handlebar in axial direction is prevented.

As to the matter of the body portion having a hollow interior which communicate with an opening in the handlebar clamping portion, Giard shows, in Fig. 9, a bicycle stem comprising a body portion 28 and a handlebar clamping portion 43 wherein the body portion 28 has a tubular

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shape with a hollow interior and wherein the recess 47 of the handlebar clamping portion 43 has an opening that is aligned with the open end of the hollow interior of the body portion 28.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the solid body portion of Roddy with the hollow body portion of Giard in order to provide a lighter device so that less energy is required to propel the bicycle.

As to the matter of the steering tube clamp comprising a pair of clamp members aligned in side-by-side relation, Lai shows, in Figs. 6 and 8, a bicycle stem comprising a steering tube clamping portion 70 having a tubular shape 71 defining a steering tube receiving passageway therethrough, and wherein the steering tube clamping portion 70 has a clamp receiving passageway 74 therein transverse to the steering tube receiving passageway 71 and in communication therewith; and further comprising a steering tube clamp 81, 82 in the clamp receiving passageway 74 and comprising a pair of cooperating clamp members 81, 82 aligned in side-by-side relation and comprising respective portions defining a recess 87, 88 therein for the steering tube 6.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamping device of Roddy with the pair clamp device of Lai in order to provide a tighter and more versatile clamping device so that the operation of the bicycle is not compromised.

As to the matter of the lateral extent of the cavity being substantially the same as the diameter of the circular opening of the open end of the body portion, such subject matter has not been given consideration since the limitation is indefinite as discussed above in paragraph 7.

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11. Claims 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roddy in view of Giard and in view of Jeshurun et al.

Roddy shows, in Figs. 1-3, a bicycle stem for connecting a bicycle handlebar to a bicycle steering tube, the bicycle stem comprising;

a body portion 10;

a handlebar clamping portion 13 connected to an end of the body portion 10 and having a recess 22 therein for the handlebar 11;

a handlebar clamping member 23 cooperating with the handlebar clamping portion 13 to clamp the bicycle handlebar 11 therebetween, the handlebar clamping member 23 having a recess 22 for the handlebar 11;

at least one fastener 32 for securing the handlebar clamping member 23 to the handlebar clamping portion 13; and

wherein the handlebar clamping member 23 and the handlebar clamping portion 13 both have generally rectangular shapes overlying one another;

but fails to show the body portion having a hollow interior with an open end ; and the clamping member and portion having a cavity.

As to the matter of the body portion having a hollow interior which communicate with an opening in the handlebar clamping portion, Giard shows, in Fig. 9, a bicycle stem comprising a body portion 28 and a handlebar clamping portion 43 wherein the body portion 28 has a tubular shape with a hollow interior and wherein the recess 47 of the handlebar clamping portion 43 has an opening therein which aligns with the open end of the hollow interior of the body portion 28.

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the solid body portion of Roddy with the hollow body portion of Giard in order to provide a lighter device so that less energy is required to propel the bicycle.

As to the matter of the clamping member and portion having recess, Jeshurun et al. shows, in Fig. 1, and teaches, in column 3, lines 10-26, that a bicycle clamping device comprises a recess for the handlebar 16, 18 and a cavity in a respective medial portion of the recess to accommodate an enlarged diameter portion 14 of the handlebar, the cavity in the recess of the handlebar clamping portion extending fully over a first arcuate extent and the cavity in the recess of the handlebar clamping member extending fully over a second arcuate extent.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamping device of the Roddy with the recess and cavity formed clamping device as taught by Jeshurun et al. in order to provide a safer vehicle wherein the movement of the handlebar in axial direction is prevented.

As to the matter of the lateral extent of the cavity being substantially the same as the diameter of the circular opening of the open end of the body portion, such subject matter has not been given consideration since the limitation is indefinite as discussed above in paragraph 7.

Response to Arguments

12. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

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13. In response to the applicant's argument that the prior art fail to disclose the cavity in the recess of the handlebar clamping member being spaced from opposing portions of the handlebar, it is noted that such limitation is indefinite as discussed above in paragraph 6.

14. In response to the applicant's argument that the prior art fail to disclose the cavity in the recess of the handlebar clamping member has a lateral extent substantially the same as a diameter of the circular opening of the second open end of the body portion it is noted that such limitation is both new matter issue and indefinite as discussed above in paragraphs 5 and 7.

15. In response to the applicant's argument that the prior art fail to disclose the cavity in the recess of the handlebar clamping portion having an opening that aligns with the circular opening of the second open end of the body portion, it is noted that such limitation is both new matter issue and indefinite as discussed above in paragraphs 5 and 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Tuesday - Friday; 8:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk

November 23, 2004


CHONG H. KIM
PRIMARY EXAMINER